

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

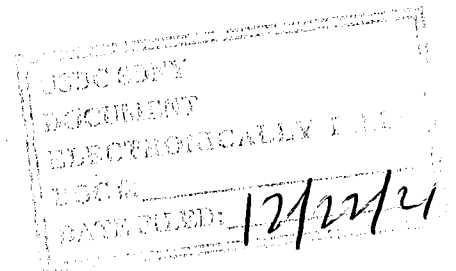
v.

KYLE ELLISON,

Defendant.  
-----X

**ORDER**

20 CR 350 (VB)



Copies Mailed/Faxed 12/22/21  
Chambers of Vincent L. Briccetti

Defendant Ellison has filed a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. #31).

The government is directed to file a response to the motion by January 12, 2022. The government's response shall, if appropriate, address the issue of exhaustion, and shall in any event address the merits of defendant's motion.

Defendant's request for the appointment of counsel is denied without prejudice as unwarranted. "There is no constitutional [or statutory] right to counsel for a motion for a reduction of sentence pursuant to § 3582(c)." United States v. La Rosa, 2016 WL 5921827, \*2 (S.D.N.Y. Oct. 11, 2016) (citing United States v. Reddick, 53 F.3d 462, 464-65 (2d Cir. 1995) (holding there is no statutory right to counsel for a motion for reduction of sentence under the Criminal Justice Act). Rather, whether to appoint counsel is subject to the Court's discretion. (Id.). Here, defendant has submitted a lengthy and detailed motion, including several attachments, and the Court sees no reason to appoint counsel at this time.

Chambers will mail a copy of this Order to defendant at the following address:

Kyle Ellison  
Reg. No. 88432-054  
FCI Fort Dix  
Federal Correctional Institution  
P.O. Box 2000  
Joint Base MDL, NJ 08640

Dated: December 22, 2021  
White Plains, NY

SO ORDERED:

Vincent L. Briccetti  
United States District Judge